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Delay in opening certain lands in Oklahoma. Letter from the Secretary of the Interior, transmitting, pursuant to House resolution dated the 10th instant, information as to the delay in opening for settlement certain lands in the Territory of Oklahoma.

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DELAY IN OPENING CERTAIN LANDS IN OKLAHOMA.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

Pursuant to House resolution dated the 10th instant, information as to the delay in opening for settlement certain lands in the Territory of Oklahoma.

JANUARY 22, 1895.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 18, 1895.

SIR: I have the honor to be in receipt of House resolution of the 10th instant, directing the Secretary of the Interior to report to the House the causes, if any, which exist for the delay in opening to settlement, under the homestead law, certain lands in the Territory of Oklahoma, ceded to the United States by the Kickapoo Indians, under an agreement with them dated June 21, 1891, ratified by the act of Congress approved March 3, 1893 (27 Stats., 557).

In reply to the said resolution, I beg to state that subsequent to the date of the aforesaid agreement the Department was in receipt of many communications asserting that the Indians were dissatisfied therewith, and that their assent was obtained through misrepresentation and fraud.

Great difficulty was met in making allotments to the Indians because of this dissatisfaction, and in order to complete the work it was found necessary to make selections for some of them who refused to select for themselves, as provided in the agreement. This was the source of much delay, and for a long time rendered nugatory the efforts of the officers of the Department charged with that work.

The schedules of the allotments to the Kickapoos were completed and certified to the Department by the Commissioner of Indian Affairs on September 10, 1894, received the formal approval of the Department on the 12th of that month, and were sent to the Commissioner of the General Land Office with directions that patents for the lands so allotted be issued, and a schedule of the surplus lands to be opened to settlement prepared. This schedule was received by the Department on December 1, last.

Much difficulty has also been experienced by the Department in regard to allotments in the cases of the lands of other Indians. In

many instances allottees have failed to claim their allotments, and in others allotments have been made that were subsequently denied and refused by the allottees, they declining to accept the same. In other instances allottees were improperly located, and many difficulties arose in reconciling differences between contesting parties. Especially was this the case with the Cheyennes and Arapahoes, whose surplus lands were opened to settlement before the Indians were located, and many contests between the Indians and whites arose in consequence.

In order to avoid these harassing difficulties in the case of the Kickapoos, an Indian inspector was, on the 5th of December last, charged with the duty of investigating and reporting whether the Indians are properly located upon the selections made by themselves, or those made for them; also as to the presence of unauthorized whites reported to be there without authority, this last information being necessary in order to carry into effect that provision of the act of 1893 which reads as follows:

Until said lands are opened to settlement by proclamation of the President of the United States, no person shall be permitted to enter upon or occupy any of said lands; and any person violating this provision shall never be permitted to make entry of any of said lands or acquire any title thereto.

The report of the said inspector has just been received, the main facts in which are as follows:

That the Kickapoos number 283 persons, of whom 123 voluntarily received their allotments; that 160 have refused to receive allotments, or the cash payment (provided for in article 5 of the aforesaid agreement), and that these last-named persons are now encamped on unallotted lands, having deserted their homes and the inclosed fields that were allotted to them (selected for them by officers of the Department, as before stated); that the lands selected for these persons are generally the best on the reservation; that, with few exceptions, these Indians are bitterly opposed to education, civilization, or in any manner changing their mode of living, or becoming, as they express it, "like white men." They claim that they never made the agreement of 1891; that they were misrepresented in the negotiations, and that they have religious scruples against taking allotments.

The inspector further states that there are a number of white intruders on the reserve, some of them under pretended leases from the Indians.

There is no provision of law which requires surplus lands to be opened to settlement within a specified time.

With these Indians, 160 off their allotments and unfit for citizenship, serious trouble is still ahead of the Department when the lands are actually thrown open, and the control of the Bureau is largely withdrawn thereby from the Indians.

Very respectfully,

HOKE SMITH, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.